

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

GARY BRISTOL,

Petitioner,

vs.

WARDEN GODFREY; ATTORNEY  
GENERAL OF THE STATE OF  
MONTANA,

Respondents.

Cause No. CV 21-87-H-BMM-KLD

FINDINGS AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendations in this case on December 28, 2021 (Doc. 4). Judge DeSoto recommended that Plaintiff's Petition for Habeas Corpus (Doc. 1) should be DISMISSED; that the Clerk of Court should be directed to enter a judgment of dismissal; and that a certificate of appealability should be DENIED.

No party has filed an objection to the Findings and Recommendations. The Court has reviewed Judge DeSoto's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge DeSoto's Findings and

Recommendations and adopts them in full.

**IT IS ORDERED** that Judge DeSoto's Findings and Recommendations (Doc. 4) are **ADOPTED IN FULL**.

1. Bristol's Petition (Doc. 1) is DISMISSED without prejudice as unexhausted.
2. The Clerk of Court is directed to enter judgment of dismissal.
3. A certificate of appealability is DENIED.

DATED this 18th day of January, 2022.



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Brian Morris, Chief District Judge  
United States District Court